



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** EDP Technologies--Reconsideration

**File:** B-257231.2

**Date:** June 9, 1994

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### DECISION

EDP Technologies requests reconsideration of our dismissal as untimely of its protest of the evaluation of Centurion Electronics Services' proposal, and the eventual award to that firm, under request for proposals (RFP) No. DAAJ04-93-R-0026, issued by the Department of the Army, Army Materiel Command, for the acquisition of automatic data processing equipment and related software.

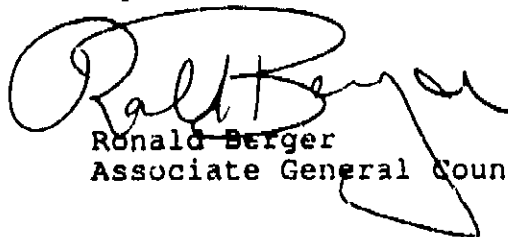
We deny the request for reconsideration.

In its initial protest, EDP stated that, "[t]he basis for this protest became known to EDP Technologies . . . upon EDP's receipt on March 25, 1994" of a letter from the contracting officer, which alerted EDP to the fact that Centurion's proposal was considered technically acceptable, despite EDP's advice to the contrary. Notwithstanding this information, EDP did not protest the evaluation of Centurion's proposal until May 5, after award had been made. Accordingly, we dismissed the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest. 4 C.F.R. § 21.2(a)(2) (1994).

On reconsideration, EDP does not allege that its protest was timely. Rather, EDP states that, "[w]e allege that the contracting officer acted improperly . . . therefore, waiving the timeliness requirements." Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Our Office generally will not waive our timeliness requirements, even if the record indicates a material impropriety by the agency. See DynCorp, 70 Comp. Gen. 38 (1990), 90-2 CPD ¶ 310. While we may waive the timeliness requirement when, in our judgment, the circumstances of a given case are such that our consideration of the protest would be in the interest of the procurement system, we strictly construe this exception in order to assure that the timeliness rules are meaningful.

The exception only reaches protests that raise issues of widespread interest to the procurement community and which have not been considered on the merits in a previous decision. Id. EDP's protest, which challenges the compliance of an offeror's product with the solicitation requirements, is an issue routinely addressed by our Office and does not fall within the ambit of the significant issue exception to our timeliness rules.

The request for reconsideration is denied.



Ronald Berger  
Associate General Counsel